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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/513,784      | 02/25/2000  | J. Andrew Judkins    | DT-86 (50514)       | 7190             |

7590 06/06/2003

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EXAMINER

DEANE JR, WILLIAM J

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2642

DATE MAILED: 06/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/513,784

Applicant(s)

JUDKINS ET AL.

Examiner

William J Deane

Art Unit

2642



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 – 3, 7 – 9, 13 - 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,559,878 (Keys et al.).

Note that Keys et al. teach receiving a call at a call center via a Host Interface Link (HIL) (note Col. 3, line 56), an automatic call distributor (ACD) 20, soliciting responses from the caller (Col. 9, lines 39 – 46), new extension (obviously if the call is routed to another agent a new extension will be used and tracking of the call (see Col. 10, line 15. Though Keys et al. is not specific as to what responses are solicited (like type of service or skills), such questions would have been obvious to one of ordinary skill in the art. With respect to an IVR, though Keys et al. does not specifically recite an IVR, Col. 9, lines 39 – 46 indicates the use of an IVR. This is particularly instructive since IVRs are usually the front end of an ACD. With respect to updating information (claim 12), such is taught throughout Keys et al. Though SQL is not mentioned by Keys et al. SQL servers are notoriously old in the art. It would have been obvious to one of ordinary skill in the art to have used whatever type of server was deemed necessary.

With respect to claim 2, though Keys et al. is silent about a link failure, they discuss the period of time a message will stay in a queue (Col. 6, lines 55 – 61).

With respect to claim 3, such a claim limitation is inherent,

Claims 4, 10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keys et al. in view of U.S. Patent No.5, 278,898 (Cambray et al.).

With respect to claim 4,10 and 16, it is believed that Col. 6, line 45 – Col. 7, line 7 satisfy these claim limitations. However, if this is not agreed, note Col. 3, lines 5 – 18 of Cambray et al. It would have been obvious to one of ordinary skill to have incorporated such limitations as recited in claims 4, 10 and 16 and taught by Cambray et al. into the method of Keys et al. as an obvious means of prioritizing calls.

Claim 5 – 6,11 – 12 and 17 and 18 are rejected under 35 U.S.C. 103(a) as being obvious over Keys et al. in view of U.S. Patent No. 6,333,980 (Hollatz et al.).

With respect to these claims (5 – 6, 11 – 12 and 17 – 18), Col. 5, line 25 – Col. 7, line 14 of Hollatz read on such claim limitations. Such claim limitations as recited in these claims would have been obvious to one of ordinary skill in the art as shown by Hollatz et al. It would have been obvious to one of ordinary skill in the art to have proficiency levels for agents and routing calls to the best qualified agent and able agent as taught by Hollatz et al. and to incorporate such teachings into the Keys et al. method in order to better serve customers.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent No. 6,009,084 (Beierle et al.) – note Col. 3, line 61 – Col. 4, line 3;

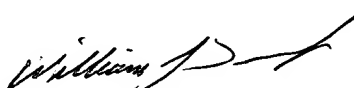
U.S. Patent No.5,978,465 (Corduoy et al.) – note Abstract and Figs;

U.S. Patent No. 5,682,421 (Golvitz) – note Abstract and Figs.; and

U.S. Patent No. 4,949,373 (Baker et al.) – note call tracking and Col. 11, line 55  
– Col. 12, line 21.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (703) 306-5838. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (703) 872-9314.

31May03

  
**WILLIAM J. DEANE, JR.**  
**PATENT EXAMINER**